

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 2100 of 1995

WIT

CIVIL REVISION APPLICATIONS NOS. 2101 AND 2240 OF 1995

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

RASIKLAL PRAGJIBHAI THAKKER

Versus

STATE BANK OF SAURASHTRA

Appearance:

MS NAYANA V PANCHAL for Petitioner IN CRA NOS.2100
AND 2101 OF 1995

Mr.A.S.Vakil, for the petitioner in CRA 2240 OF
1995.

CORAM : MR.JUSTICE J.N.BHATT

Date of decision: 19/08/96

ORAL JUDGEMENT

Rule in all the three revisions. Service of Rule is waived by learned advocate Mr.A.S.Vakil in CRA Nos. 2100 and 2101 of 1995, whereas it is waived by learned advocate Ms.Nayana Panchal in CRA No. 2240 of 1995

These three revision applications raise identical questions in respect of the same subject matter between the same parties. Therefore, upon a request, they are being disposed of by this common order.

The first two revision applications are filed by the original plaintiff-landlord; whereas the third revision viz. CRA No.2240 of 1995 is filed by the opponent-State Bank of Saurashtra, Surendranagar.

The plaintiff-landlord instituted Regular civil suit No. 157 of 1993 in the court of Civil Judge (S.D.) Surendranagar wherein by Ex.5 he prayed for fixation of interim standard rent in respect of strong room. The application was partly allowed by the trial court by passing its order on 5.10.1994 whereby the defendant-tenant bank came to be directed to pay an amount of Rs.3,600/- by way of permitted increases under section 9 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 ('the Bombay Rent Act' for short) in addition to the agreed rent.

Both the parties were aggrieved by the said order. Therefore, two revision applications Nos.7/94 and 8/94 came to be filed under section 29(3) of the Bombay Rent Act before the District court of Surendranagar. Revision no.7/94 filed by the tenant bank came to be partly allowed and revision No. 8/94 filed by the landlord came to be dismissed. The order below ex.5 in Regular civil suit No.157 of 1993 passed by the trial court came to be modified and the amount of Rs.3,600/- came to be fixed at Rs. 1,100/-. The District court passed this order on 28.8.1995.

Being aggrieved by the said order recorded in the aforesaid two revision applications, the landlord-plaintiff has filed revision applications Nos.2100 and 2101 of 1995; whereas, the defendant-tenant has filed revision application No.2240 of 1995.

When the matters were called out, the learned advocates Mr.Parikh appeared for the original landlord in the first two revision applications and Mr.A.S.Vakil appeared for the defendant bank in revision application no. 2240 of 1995.

Upon consensus and joint request, the following order is passed in these revision applications:

The trial court is directed to hear and decide the merits of the application, ex.5 afresh, after giving an

opportunity of leading documentary evidence if the parties so desire. and fix the interim standard rent in respect the strong room,as early as possible,in accordance with law.

In view of the aforesaid facts and circumstances and the direction to the trial court,the impugned orders of the trial court and the revisional court are quashed and set aside while allowing these revision applications.Rule is made absolute to that extent. There shall be no order as to costs.

corrected.